

***United States Court of Appeals
for the Second Circuit***



APPENDIX

Docket No.

76-1300

IN THE
UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

UNITED STATES OF AMERICA

B
P/S
Appellee

v.

DELIA AGUILAR SAN JUAN

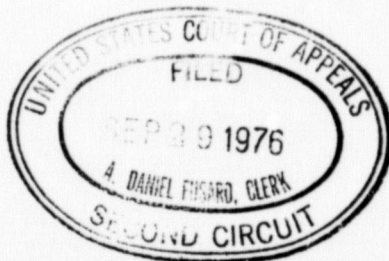
Appellant

Appeal from the United States District
Court for the District of Vermont

APPENDIX FOR THE UNITED STATES

GEORGE W.F. COOK
United States Attorney

JEROME F. O'NEILL
JOHN R. HUGHES, JR.
Assistant U.S. Attorneys
District of Vermont



PAGINATION AS IN ORIGINAL COPY

Cr. 75-46

1 COFFRIN

D. C. Form No. 100 Rev.

[illegible]

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed JUL 3 1975	Clerk	6-22	25732	5.00	1.7
J.S. 3 mailed JUL 16 1975	Marshal	6-25	C. V. H. J. I.		
Violation	Docket fee				
Title 13, USC					
Sec. 1058, 1101					

PROCEEDINGS

1975

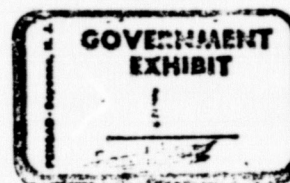
June 26	Filed Indictment for violation of 18 USC, §§1058 & 1101.	1.
" "	Record of Grand Jurors concurring.	
July 14	In open Court before Judge Coffrin, defendant present with her attorneys, Richard Kohn, Esq. and Milton Turkel, Esq., for arraignment. David Reed, Esq. for Government.	
" "	Richard Kohn, Esq.(ACLU) and Milton Turkel, Esq. enter their appearance for defendant.	
" "	Defendant waives reading of Indictment and enters a plea of not guilty.	
" "	Ordered: bail set in amount of \$ 10,000.00 -- defendant released on her own recognizance.	
" "	Filed Appearance Bond in amount of \$ 10,000.00--released on her own recognizance.	2.
" "	Defendant may file motions within 30 days. Government to respond within 15 days thereafter.	
Aug. 15	Filed Motion to dismiss the Indictment, and memorandum to dismiss indictment for failure to state facts sufficient to constitute an offense against the United States.	3.
" "	Filed defendant's motion to dismiss and defendant's memorandum in support of motion to dismiss indictment on constitutional grounds.	

DATE	PROCEEDINGS	
1975		
Aug. 15	Filed motion to suppress and return monetary instruments and other documents.	5.
" "	Filed Motion for return of \$5,000.00	6.
" "	" defendant's motion for production of Grand Jury testimony.	7.
" "	" defendant's motion for discovery and inspection.	8.
" "	" defendant's motion for disclosure of electronic surveillance for a pre-trial hearing, to suppress evidence and to dismiss the indictment.	9.
" "	Filed certificate of service.	10.
Sept. 5	" Stipulation (Government's) that oral argument on defts motions be scheduled by Court after 10-1-75.	11.
" 8	Upon consideration of the above stipulation, it is	
" "	So ORDERED. Mailed copy to attorneys.	
" 9	Filed Notice of Appearance of James W. Murdoch, Esq. for Deft.	12.
Sep. 11	" Request of Richard S. Kohn, Esq., ACLU, to Withdraw as Counsel for deft.	13.
Oct. 6	Filed Stipulation that oral argument on defendant's motions as on file may be postponed from Oct. 6 to Oct. 20, 1975.	14.
" "	Upon consideration of the above Stipulation, it is so ORDERED.	
" 17	Mailed copy to attorneys. Filed Government's Response to Defendant's Motion to Dismiss Indictment on Constitutional Grounds.	15.
" "	Filed Government's Response to Defendant's Motion to Dismiss the Indictment on the Ground that it does not state facts sufficient to constitute an offense.	16.
" "	Filed Government's Response to Motion for Discovery and Inspection.	17.
" "	Filed Government's Response to Motion for Disclosure of Electronic Surveillance, for a pre-trial hearing, To suppress evidence and to dismiss the indictment.	18.
" "	Filed Government's Response to Motion for Return of \$5,000.00.	19.
" "	" Government's Response to Defendants Motion for Production of Grand Jury Testimony.	20.
" "	" Government's Response to Motion to Suppress and Return Monetary Instruments and other documents.	21.
" 23	" Information for violation of 31 U.S.C. §§1058, 1101, and 31 C.F.R. §§103.23(a), 103.25(b).	22.
Oct. 28	Filed defendant's motion to suppress and return monetary instruments and other documents.	23.
Oct. 29	In open Court before Judge Coffrin, defendant present with her attorneys, James Murdock, Esq. and Samuel Gruber, Esq.; David Reed, Esq. for Government.	
" "	Upon consideration of dismissal of original Indictment, no objection thereto, it is	
" "	Ordered: Motion granted. Indictment filed June 26, 1975, is dismissed.	
" "	Hearing on defendant's motion to suppress is not necessary due to filing of superseding Information.	
" "	Defendant's motion for return of \$ 5,000.00 is now withdrawn by Mr. Gruber.	
" "	Ordered: bond presently in effect will apply to new Information filed October 23, 1975.	
" "	Defendant waives reading of Information and enters a plea of not guilty.	

DATE	PROCEEDINGS	
1975		
Oct. 29	Hearing on defendant's motion to dismiss Information.	
" "	Statements made to Court by Mr. Gruber and by Mr. Reed.	
" "	Decision reserved.	
" "	Hearing on defendant's motion to suppress and return monetary instruments and other documents.	
" "	The following witnesses, sworn by Clerk, were examined for Government: Robert M. Johnson, Joan McClatchey and Richard F. Mercier.	
" "	Court denies motion with leave on part of the defendant to file memorandum within 10 days and Government has additional 10 days to file reply memorandum; based thereon, Court will make a determination as to whether motion should be re-opened.	
" "	Mr. Gruber withdraws defendant's motion for production of Grand Jury testimony with leave to refile at a later time.	
" "	With respect to defendant's motion for discovery and inspection, counsel to get together and resolve their differences.	
" "	Hearing on defendant's motion for disclosure of electronic surveillance.	
" "	Court denies motion with leave on part of the defendant to file memorandum within 10 days and Government has additional 10 days to file reply memorandum; base thereon, Court will make a determination as to whether motion should be re-opened.	
" "	Court suggests that counsel be ready for trial on short notice after December 1, 1975.	
Nov. 3	Court extended defendnt's time to file memo to Nov. 10, 1975; Government also has additional 3 days to file reply memo. (per telephone conversation with Court's staff in N.Y.)	
" 6	Filed Government's Notice of Readiness.	24.
" 10	Upon consideration of Deft's request for extension of time to file memorandum, it is	
" "	ORDERED: Request granted to and including 11-13-75; Govt. to have 10 days thereafter to file reply memorandum. Attys notified.	
" 14	Filed Memorandum on Deft's Motion for Discovery of Electronic Surveillance.	25.
" "	" Deft's Memorandum in support of Motion to Suppress and Return Monetary Instruments and other documents.	26.
" 25	" Government's Response to Deft's Motion for Discovery of: Electronic Surveillance.	27.
" "	" Memorandum of United States in opposition to Motion to Suppress and return Monetary Instruments and other Documents and Memorandum of Points & Authorities.	28.
Dec. 2	" Deft's Reply Memorandum on Motion to Suppress.	29.
" 29	" Opinion and Order -- Deft's Motion to Dismiss denied. Mailed copy to attys.	30.
1976		
Jan. 6	Filed Defendant's Motion to Dismiss the Information under Rule 12(b)(2) of the Federal Rules of Criminal Procedure.	31
" 19	Filed opposition to defendant's motion to dismiss the Information under Rule 12(b)(2) of the Federal Rules of Criminal Procedure.	32.
" 19	Filed Waiver of Defendant's Presence.	33.

DATE	PROCEEDINGS
1976	
Jan. 19	In open Court before Judge Coffrin, hearing on defendant's motion to dismiss under Rule 12(b)(2), F.R.Cr.P.. John R. Hughes, Esq. for Government. James Murdock, Esq. and Samuel Gruber, Esq. for Defendant.
" "	Statements made to Court by Mr. Gruber and by Mr. Hughes.
" "	Ordered: Motion overruled.
" "	Mr. Gruber moves to file a motion for Bill of Particulars.
" "	Ordered: Motion denied.
" "	Ordered: Case set for trial on March 9, 1976, at 9:30 AM
Mar. 9	Trial by Jury begun before Judge Coffrin. Jerome O'Neill, Esq. for Government; James W. Murdoch, Esq. and Samuel Gruber, Esq. for Defendant.
" "	A jury was impaneled by the Clerk.
" "	Ordered: that one alternate juror be impaneled.
" "	The oath to Petit Jurors in criminal cases was administered to the jury by the Clerk.
" "	Jury excused -- Hearing on defendant's motion to suppress.
" "	The following witnesses, sworn by Clerk, were examined for Government: Robert Johnson, Joan McClatchey and Richard Mercier.
" "	Statements made by Mr. Gruber and by Mr. O'Neill.
" "	Ordered: defendant's motion to suppress is denied.
" "	Jury present -- Opening statements were made to the jury by Mr. O'Neill and by Mr. Gruber.
" "	Robert Johnson, sworn by Clerk, was examined for Government.
" 9	Filed Government's trial memorandum and request to charge. 34.
" 10	Government's supplemental request to charge. 35.
" 10	Trial resumed. Robert Johnson was recalled and examined.
" "	The following witnesses, sworn by Clerk, were examined for Government: Joan K. McClatchey, Robert L. Scott, Richard Mercier and Michael Consavage.
" "	At 4:05 PM, Government rests.
" "	Jury excused -- Mr. Gruber on behalf of defendant moves for a judgment of acquittal.
" "	Decision reserved.
" 11	Filed defendant's requests to charge. 36.
" 11	Trial resumed.
" "	Jury excused. At 9:00 AM, defendant rests. Evidence closed.
" "	Upon consideration of defendant's motion for a judgment of acquittal, it is
" "	Ordered: Motion denied.
" "	Jury present. Opening arguments were made to the jury by Mr. O'Neill and by Mr. Gruber.
" "	Closing arguments were made to the jury by Mr. O'Neill.
" "	Ordered: that Mrs. Anne Audette be appointed as Foreman of the jury.
" "	At 11:07 AM, the Court commences the charge to the jury concluding at 11:30 AM.
" "	Ordered: that the alternate juror be excused at this time.
" "	At 11:40 AM, the jury retired to deliberate the case.
" "	At 3:45 Pm, the jury come into Court and report a verdict of guilty.
" "	Ordered: that Clerk poll the jury.
" "	Jury excused.
" "	Ordered: that presentence investigation be made and bail continued

DATE	PROCEEDINGS
1976	
Mar. 11	as previously fixed.
" "	Counsel may file motions that will be heard at time of sentence.
" 12	Filed Govt's Subpoena to Testify returned served. 37.
" 16	" Deft's Subpoena to Produce Document or Object returned served. 38.
April 12	Filed Defendant's Motion for judgment of Acquittal notwithstanding the Verdict. 39
" 14	Filed Memorandum in support of motion for judgment of acquittal notwithstanding the verdict. 40.
June 21	Filed Government's opposition to motion for judgment of acquittal and memorandum. 41.
" 21	In open Court before Judge Coffrin, hearing on defendant's motion for judgment of acquittal notwithstanding the verdict. Defendant present with her attorneys, James W. Murdoch, Esq. and Samuel Gruber, Esq. John Hughes, Esq. for Government.
" "	Statements made by Mr. Gruber and by Mr. Hughes.
" "	Ordered: Motion denied.
" "	Statements made to Court by Mr. Gruber with respect to sentencing.
" 21	Filed Judgment and probation/commitment order -- defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of one year. Execution of sentence is suspended with the exception of 30 days to be served in a jail type institution (Court recommends that sentence be served at the Connecticut Correctional Center in Niantic, Connecticut). Defendant is placed on probation for a period of three years. Defendant to surrender herself to the U. S. Marshal's office in Connecticut within two weeks from today. (Sentence is stayed pending determination upon appeal). 42.
" 21	Court advises defendant of her right to appeal.
" 22	Filed Defendant's Notice of Appeal. Mailed copy to U. S. Atty., James W. Murdoch, Esq., Gruber & Turkel, Esqs., Clerk, U. S. Court of Appeals, Judge Coffrin and Court Reporter. 43.
July 1	" Scheduling Order from U. S. Court of Appeals; appeal to be docketed 7-6-76 (on or before); transcript to be docketed on or before 7-22-76. 44.
" 2	Mailed record on appeal to Clerk, U. S. Court of Appeals for the Second Circuit, N.Y., N.Y. Attys. notified.
" 19	Filed Hearing transcript on various Deft's Motions held 10-29-75. 45.
" "	" " " Deft's Motion to Dismiss under Rule 10(b) (2) held 1-19-76. 46.
" "	" Transcript of trial held March 9-11, 1976. 47.
" "	" Transcript of Hearing on Deft's Motion for Judgment of Acquittal, notwithstanding the Verdict; and if denied, for sentence. 48.
" "	Mailed record on appeal to Clerk, U. S. Court of Appeals for the Second Circuit, N.Y., N.Y. (Supplemental) Mailed index to attys.
" 21	" supplemental record on appeal to Clerk, U. S. Court of Appeals for the Second Circuit, N.Y., N.Y. Mailed index to attys. & Judge Coffrin.



BRYAN



March 7, 1975

Dear Bryan,

This is a follow-up to our March 4 letter to you. Today the comrades briefed us about the talks you had with our friends in Canada.

We consider it quite risky for you to go back home to deliver personally the things for AG. It is preferable that these be handled by a reliable person, such as Sonny's younger brother or your American friend. Please consider the fact that you have been doing a lot of travelling lately, that you have called on the embassies a number of times and that your husband is well-known in the US and in the Philippines for his political views and activities. And you yourself are a sister of Maya, who is a wanted person. So please think of the best way of accomplishing your task with the minimum risk. If you've already sent the first amount, you can hide your time now and think of a more secure method. We understand the urgent needs of our comrades back home but we can't afford to be nonchalant about security either.

We understand that we could use the embassy in Canada for a certain period of time only. The Canadian and US intelligence groups are keenly watching their place, we were told. If there is still some amount left there after this last trip of yours, please await instructions from AG on what to do next.

The sending of Peking Review to our comrades back home is a delicate matter, and we're studying it carefully. Our friends say it's not good for their embassy in Canada to mail this. Will not the addressee in the Philippines be exposed and the enemy trace her connections to our AG comrades? Anyway, we'll try our best to solve this one also.

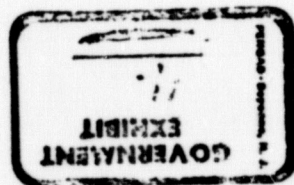
We have reservations about your planned visit here together with your family. Of course, our friends will gladly welcome you. But they ask whether this will unnecessarily expose your P links and also make the enemy more alert to your future activities, not to mention your previous ones. Even if AG has no more liaison tasks for you in the future, we still must keep the secrecy of your previous work. We suggest you shelve plans for getting visas in the meantime that we are further consulting AG about this matter. He has the final say and will inform you accordingly.

Regards again.

Sa Rebolusyon,

J.E.
J.E.

BEST COPY AVAILABLE



Bryan Abbott



Bryan Abbott

March 5

Dear Bryan,

We received your letter yesterday. We are glad to know you made it safely last time. We hope you'll make it again this time.

Our friends here could not provide us big denominations. So how to go about it, we leave it up to you to pick up a part or all of the amount left there according to your convenience. We are informing AG about this problem in our letter to him and we expect you'll receive instructions from him what to do next.

You will receive together with this letter to you seven envelopes which are all to be given to AG. Please manage to deliver these to him safely and secretly. You may bind them yourself in book covers. In order to do so, you may open the envelopes to facilitate the binding. The letters are sealed.

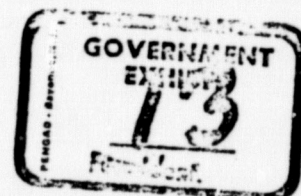
The letter addressed to Selda is the most important one. Be sure to protect it well and in case you cannot send all the letters in one batch, send this one first. It is preferable, though, that all the letters are send in one batch.

Please feel free to use part of the amount you pick up there for your travel expenses. Don't forget to issue our friends there a receipt of how much you will get. Write us a letter informing us about this matter.

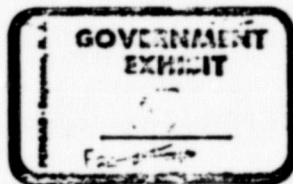
Regards and best wishes to you and Sonny.

Sa Rebolusyon,

J.B.



644
5-10-26



11.
77,500.00
I have received the amount
of \$75,500.00

Mary Jane Clark

13

1700

G- 043908

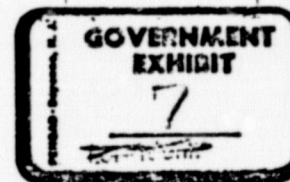


Laurentien Hotel

MONTREAL, QUEBEC

OTHER/AUTRE	CLOSING FERMETURE	CHANGE CHANGEMENT	ROOM NO. CHAMBRE	RATE/TAUX	TAX/TAXE
	OPENING OUVERTURE	<input type="checkbox"/> ROOM CHAMBRE			
	DIFFERENCE	<input type="checkbox"/> RATE TAUX			

CALLS	MEMO	DATE	DETAIL	DETAIL	CHARGES DÉBITS	CREDIT CRÉDIT	BALANCE SOLDE	ROOM CHAMBRE
MON LUN	5	MAR 29-75	ROOM	•••	★ 19.00			D - 09
	6	MAR 29-75	R TAX	•••	★ 1.52		★ 20.52	D - 09
	7	MAR 30-75	PAID			★ 20.52	★ 0.00	B1409
TUES MAR	8							
	9							
	10							
WED MER	11							
	12							
THURS JEU	13							
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FRI VEN	16							
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	18							
SAT SAM	19							
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SUN DIM	22							
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GUEST'S SIGNATURE	SIGNATURE DU LIENT	
CHARGE TO	CHARGEZ À	
ADDRESS	ADRESSE	
CITY/VILLE	STATE/ÉTAT	ZIP/CODE

REGARDLESS OF INSTRUCTIONS, GUEST IS ALSO LIABLE UNTIL BALANCE HAS BEEN PAID.
NON OBSTANT LES INSTRUCTIONS, LE CLIENT EST RESPONSABLE JUSQU'AU PAIEMENT DU SOLDE.

LAST BALANCE IS AMOUNT DUE UNLESS OTHERWISE INDICATED. BILLS ARE PAYABLE WHEN PRESENTED. KINDLY RETAIN THIS INVOICE.

LE SOLDE EST LA SOMME DUE, SAUF INDICATION CONTRAIRE. TOUTE FACTURE EST PAYABLE SUR PRÉSENTATION. PRIÈRE DE CONSERVER CETTE FACTURE.

Sheraton Hotels & Motor Inns

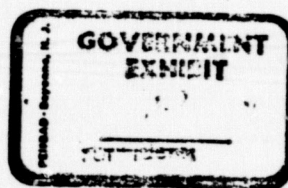


575331



Sheraton Hotels & Motor Inns

1.50 Tax
 2.60 Supper
 35.00 room
 1.85 breakfast
 2.50 taxi
 2.00 Taxi
 2.20 taxi
 2.30 taxi
 4.00 supper
 2.00 chocolate



16

FROM

FIRST CLASS
PERMIT No. 6
STORRS,
CONN.

Michael H. May

BUSINESS REPLY ENVELOPE

NO POSTAGE STAMP NECESSARY IF MAILED IN THE UNITED STATES



POSTAGE WILL BE PAID BY

THE WEEKS AGENCY, INC.

INSURANCE - REAL ESTATE

STORRS, CONN. 06268



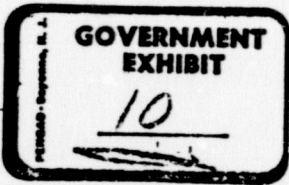
The first amount has been received from AG. The book of poems was brought back by one American friend who delivered the first amount. In it AG probably must mention that the first amount was sent and go together with the first amount has been received.

In discussing with a number of people at the Embassy we decided that it would be better not to make too frequent visits here. Therefore I am taking the rest of the amount. AG will be sending a consular to your place within a few days and this will be carrying more detailed instructions about the delivery. I then I have everything will be taken care of.

**Report of International Transportation of
Currency or Monetary Instruments**
(PLEASE TYPE OR PRINT)

17
This form is to be
filed with the
Bureau of Customs

Part I For Individual Departing From or Entering the United States

1 Name (last or family, first, and middle)	2 Identifying number (see instrs.)	3 Date of birth (month, day, and year)
4 Permanent address in United States or abroad		5 Of what country are you a citizen or subject?
6 Address while in the United States		7 Passport number and country
8 U.S. visa date	9 Place United States visa was issued	10 Immigration alien number, if any

COMPLETE EITHER 11(a) or 11(b) WHICHEVER IS APPLICABLE

- 11(a) I am departing from the United States at: (City)
and my destination is: (City) (Country)
(b) I arrived in the United States at: (City)
from this: (Foreign City) (Country)

Part II For Person Shipping, Mailing or Receiving Currency or Monetary Instruments

12 Name (last or family, first, and middle) or business name	13 Identifying number (see instrs.)	14 Date of birth (month, day, and year)
15 Permanent address in United States or abroad		16 Of what country are you a citizen or subject?
17 Address while in the United States		18 Passport number and country
19 U.S. visa date	20 Place United States visa was issued	21 Immigration alien number, if any

- 22 The date of shipment or receipt of currency or instrument ▶ 19.....
23 The currency or monetary instrument was shipped ☐ to or received ☐ from ▶
(Address) (Name)

24 If the currency or monetary instrument was mailed, shipped, or transported, please complete the following:

- (a) Method of shipment (Auto, U.S. Mail, Public Carrier, etc.) ▶
(b) Name of transporter or carrier ▶

Part III Currency and Monetary Instrument Information (See Instructions) (To be completed by everyone)

Type and amount of currency and/or monetary instrument:	Value in U.S. Dollars
25 (a) <input type="checkbox"/> Coins	\$
(b) <input type="checkbox"/> Currency
(c) <input type="checkbox"/> Bearer instrument (specify type) ▶
(d) Total amount (add lines (a), (b) and (c))	\$

26 If other than United States currency is involved, please complete the following: (See instructions)

- (a) Currency name ▶ (b) Country ▶

Part IV General—To be Completed by All Travelers, Shippers and Recipients

27 Were you acting as an agent, attorney, or in other capacity for anyone in this currency or monetary instrument activity? ☐ Yes ☐ No

If "Yes," please complete the following:

- (a) Name of person in whose behalf you are acting ▶
(b) Complete address of that person ▶
(c) Business activity, occupation or profession of that person ▶

Under penalties of perjury, I declare that I have examined this report, and to the best of my knowledge and belief it is true, correct and complete.

Sign here ▶ Signature

General Instructions

This report is required by Treasury Department regulations (31 Code of Federal Regulations 103).

Who Must File.—Each person who physically transports, mails, or ships, or causes to be physically transported, mailed, shipped or received currency or other monetary instruments in an aggregate amount exceeding \$5,000 on any one occasion from the United States to any place outside the United States, or into the United States from any place outside the United States.

A TRANSFER OF FUNDS THROUGH NORMAL BANKING PROCEDURES WHICH DOES NOT INVOLVE THE PHYSICAL TRANSPORTATION OF CURRENCY OR MONETARY INSTRUMENTS IS NOT REQUIRED TO BE REPORTED.

Exceptions.—The following persons are not required to file reports: (1) a Federal reserve bank, (2) a bank, a foreign bank, or a broker or dealer in securities in respect to currency or other monetary instruments mailed or shipped through the postal service or by common carrier, (3) a commercial bank or trust company organized under the laws of any State or of the United States with respect to overland shipments of currency or monetary instruments shipped to or received from an established customer maintaining a deposit relationship with the bank, in amounts which the bank may reasonably conclude do not exceed amounts commensurate with the customary conduct of the business, industry or profession of the customer concerned, (4) a person who is not a citizen or resident of the United States in respect to currency or other monetary instruments mailed or shipped from abroad to a bank or broker or dealer in securities through the postal service or by common carrier, (5) a common carrier of passengers in respect to currency or other monetary instruments in the possession of its passengers, (6) a common carrier of goods in respect to shipments of currency or monetary instruments not declared to be such by the shipper, (7) a travelers' check issuer or its agent in respect to the transportation of travelers' checks prior to their delivery to selling agents for eventual sale to the public, nor by (8) a person engaged as a business in the transportation of currency, monetary instruments and other commercial papers with respect to the transportation of currency or other monetary instruments overland between established offices of banks or brokers or dealers in securities and foreign persons.

When and Where to File:

A. Recipients.—Each person who receives currency or other monetary instruments shall file Form 4790, within 30 days after receipt, with the Customs officer in charge at any port of entry or departure or by mail with the Commis-

sioner of Customs, Attention: Currency Transportation Reports, Washington, D.C. 20226.

B. Shippers or Mailers.—If the currency or other monetary instrument does not accompany the person entering or departing the United States, Form 4790 may be filed by mail on or before the date of entry, departure, mailing, or shipping with the Commissioner of Customs, Attention: Currency Transportation Reports, Washington, D.C. 20226.

C. Travelers.—Travelers carrying currency or other monetary instruments with them shall file Form 4790 at the time of entry into the United States or the time of departure from the United States with the Customs officer in charge at any Customs port of entry or departure.

An additional report of a particular transportation, mailing, or shipping of currency or other monetary instruments, is not required if a complete and truthful report has already been filed. However, no person otherwise required to file a report shall be excused from liability for failure to do so if, in fact, a complete and truthful report has not been filed. Forms may be obtained from any Internal Revenue or Bureau of Customs office.

PENALTIES.—Civil and criminal penalties, including under certain circumstances a fine of not more than \$500,000 and imprisonment of not more than five years, are provided for failure to file a report, supply information, and for filing a false or fraudulent report. In addition, the currency or monetary instrument may be subject to seizure and forfeiture. See sections 103.47, 103.48 and 103.49 of the regulations.

Definitions

Bank.—Each agent, agency, branch or office within the United States of a foreign bank and each agency, branch, or office within the United States of any person doing business in one or more of the capacities listed:

- (1) a commercial bank or trust company organized under the laws of any state or of the United States;
- (2) a private bank;
- (3) a savings and loan association or a building and loan association organized under the laws of any state or of the United States;
- (4) an insured institution as defined in section 401 of the National Housing Act;
- (5) a savings bank, industrial bank or other thrift institution;
- (6) a credit union organized under the laws of any state or of the United States; and
- (7) any other organization chartered under the banking laws of any state and subject to the supervision of the bank supervisory authorities of a state.

Foreign Bank.—A bank organized under foreign law, or an agency, branch or office located outside the United States of a bank. The term does not include an agent, agency, branch or office within the United States of a bank organized under foreign law.

Broker or Dealer in Securities.—A broker or dealer in securities, registered or required to be registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934.

IDENTIFYING NUMBER.—Individuals should enter their social security number, if any. However, aliens who do not have a social security number should enter passport or alien registration number. All others should enter their employer identification number.

Investment Security.—An instrument which: (1) is issued in bearer or registered form; (2) is of a type commonly dealt in upon securities exchanges or markets or commonly recognized in any area in which it is issued or dealt in as a medium for investment; (3) is either one of a class or series or by its terms is divisible into a class or series of instruments; and (4) evidences a share, participation or other interest in property or in an enterprise or evidences an obligation of the issuer.

Monetary Instruments.—Coin or currency of the United States or of any other country, travelers' checks, money orders, investment securities in bearer form or otherwise in such form that title thereto passes upon delivery, and negotiable instruments (except warehouse receipts or bills of lading) in bearer form or otherwise in such form that title thereto passes upon delivery. The term does not include bank checks made payable to the order of a named person which have not been endorsed or which bear restrictive endorsements.

Person.—An individual, a corporation, a partnership, a trust or estate, a joint stock company, an association, a syndicate, joint venture, or other unincorporated organization or group, and all entities cognizable as legal personalities.

Special Instructions

You should complete each line which applies to you.

Part II.—Line 22, Enter the exact date you shipped or received currency or the monetary instrument(s).

Line 23, Check the applicable box and give the complete name and address of the shipper or recipient.

Part III.—Line 26, If currency or monetary instruments of more than one country is involved, attach a schedule showing each kind, country, and amount.

United States Customs for Visitors (NONRESIDENTS) Hints



MERCHANDISE

originating in NORTH KOREA, NORTH VIETNAM, RHODESIA, and CUBA, (and all goods containing Cuban components) are prohibited from being imported without a Treasury license under the Foreign Assets Control Regulations. Licenses are strictly controlled.

Foreign visitors, however, are permitted to bring in articles of CUBAN origin in their baggage if not in commercial quantities or for resale.

Articles of CHINESE origin or CHINESE-TYPE goods, formerly prohibited, may now be brought or shipped into the United States.

Copies of Foreign Assets Control Regulations, Cuban Assets Control Regulations and Rhodesian Sanctions Regulations may be obtained from the Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220.

MONEY

or all types of negotiable instruments, in any amount, may be brought into or taken out of the United States. Persons importing or exporting more than \$5,000 will be required to file a report of the transaction with U.S. Customs at the time of arrival or departure with such amounts.



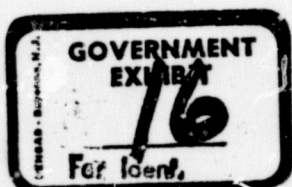
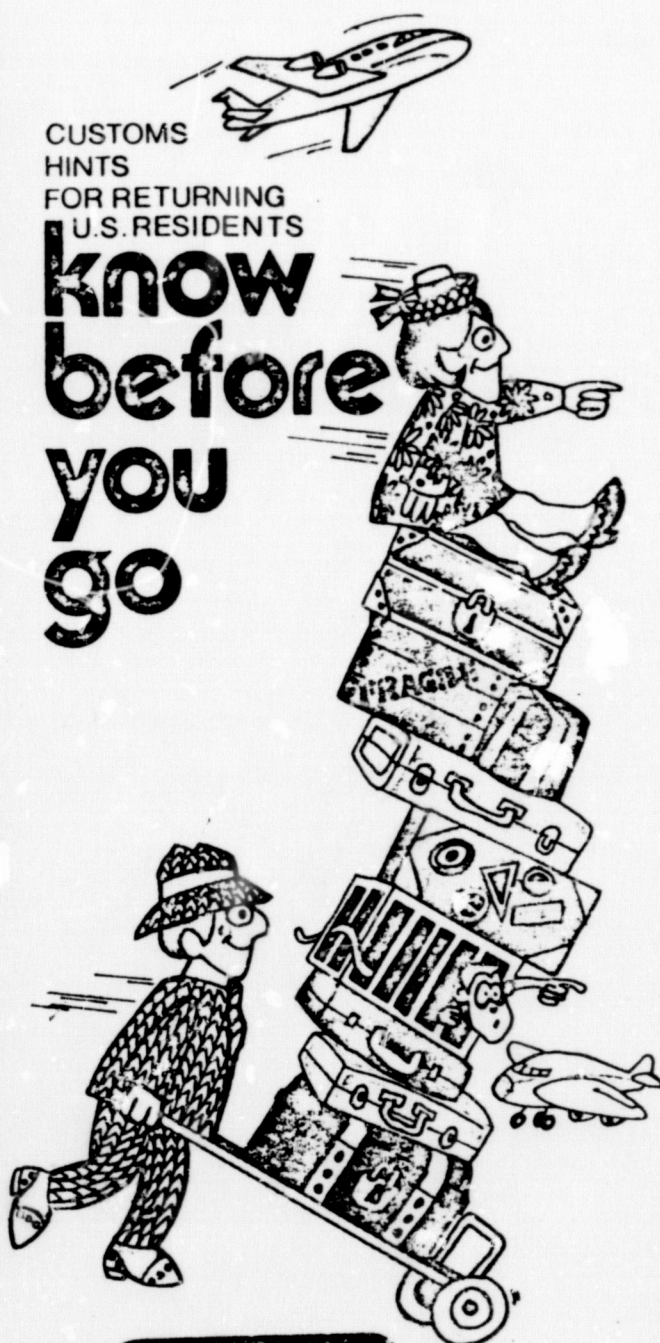
NARCOTICS AND DANGEROUS DRUGS

are prohibited entry by law; therefore, a traveler requiring **MEDICINES** containing habit-forming drugs or narcotics (i.e., cough medicines, diuretics, heart drugs, tranquilizers, sleeping pills, depressants, stimulants, etc.) should:

- have all drugs, medicinals, and similar products properly identified;
- carry only such quantity as might normally be carried by an individual having some sort of health problem;
- have either a prescription or written statement from his personal physician that the medicinals are being used under a doctor's direction and are necessary for the traveler's physical well-being while traveling.

CUSTOMS
HINTS
FOR RETURNING
U.S. RESIDENTS

**know
before
you
go**



MONEY

(coin or currency) or travelers checks, money orders, and negotiable instruments in bearer form to which title passes with delivery, may be brought into or taken out of the United States. Persons importing or exporting an amount of more than \$5,000, however, are required to file a report of the transaction with U.S. Customs. Ask a customs officer for the form at the time you arrive or depart with such amounts.

NARCOTICS AND DANGEROUS DRUGS

are prohibited entry by law; therefore, a traveler requiring medicines containing habit-forming drugs or narcotics (i.e., cough medicines, diuretic, heart drugs, tranquilizers, sleeping pills, depressants, stimulants, etc.) should:

- have all drugs, medicinals, and similar products properly identified;
- carry only such quantity as might normally be carried by an individual having some sort of health problem;
- have either a prescription or written statement from his personal physician that the medicinals are being used under a doctor's direction and are necessary for the traveler's physical well-being while traveling.

PETS

(such as cats, dogs, monkeys, and all birds) are subject to controls and restrictions.

If you plan to take your pet abroad or import one on your return, information on customs procedures is contained in our leaflet *Pets, Wildlife, U.S. Customs*. Public Health Service regulations on dogs, cats, and monkeys should be obtained from Foreign Quarantine Program, Center for Disease Control, Atlanta, Ga. 30333; regulations on birds from Veterinary Services, Animal and Plant Health Inspection Service, USDA, Federal Center Bldg., Hyattsville, Md. 20782.



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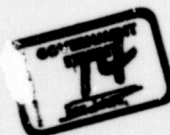
If you transport, mail, ship, or receive
more than

\$5000

in currency of the United States or any other country, or monetary instruments (such as travelers checks, negotiable instruments in bearer form, or money orders) into or out of the United States, you must file a report with U.S. Customs.

Ask a Customs officer for the currency report form.

Failure to report can result in forfeiture of the monies and civil and criminal penalties (31 U.S.C. 1101 et seq.).



Department of the Treasury
U.S. Customs Service

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE

CUSTOMS DECLARATION

PRESENT TO THE IMMIGRATION AND CUSTOMS INSPECTORS

EACH ARRIVING TRAVELER OR HEAD OF A FAMILY MUST WRITE IN THE FOLLOWING INFORMATION. PLEASE PRINT

FURNISHING INFORMATION, PLEASE PRINT		
1. FAMILY NAME	GIVEN NAME	MIDDLE INITIAL

FORM APPROVED
D.M.M. NO. 48-100186

2. DATE OF BIRTH (Mo./Day/Yr.)

3. VESSEL, OR AIRLINE & FLT. NO.

4. CITIZEN OF (Country)

5. RESIDENT OF (Country)

6. PERMANENT ADDRESS

7. ADDRESS WHILE IN THE UNITED STATES

8. NAME AND RELATIONSHIP OF ACCOMPANYING FAMILY MEMBERS

9. ARE YOU OR ANYONE IN YOUR PARTY CARRYING ANY FRUITS, PLANTS, MEATS, OTHER PLANT OR ANIMAL PRODUCTS, BIRDS OR OTHER LIVE ORGANISMS OF ANY KIND?

☐ YES ☐ NO

10. ARE YOU OR ANYONE IN YOUR PARTY CARRYING OVER \$5000.00 IN COIN, CURRENCY, OR MONETARY INSTRUMENTS?

☐ YES ☐ NO

11. I CERTIFY THAT I HAVE DECLARED ALL ITEMS ACQUIRED ABROAD AS REQUIRED HEREIN, AND THAT ALL ORAL AND WRITTEN STATEMENTS WHICH I HAVE MADE ARE TRUE, CORRECT AND COMPLETE.

SIGNATURE:

NON-
CITIZENS
ONLY

12. U.S. VISA ISSUED AT (Place)

13. VISA DATE (Mo./Day/Yr.)

In addition, the laws of the United States require that you declare **ALL** articles acquired abroad (whether worn or used, whether dutiable or not, and whether obtained by purchase, as a gift, or otherwise) which are in your or your family's possession at the time of arrival. Furthermore, Repairs made abroad must also be declared.

*Nonresidents may make an oral declaration. Returning Residents may make an oral declaration if the total price of articles declared (*price actually paid or, if not purchased, fair retail price in country where obtained*) is not more than the sum of \$100 per person. Otherwise You Must List In Writing On The Reverse Of This Form All Articles And Repairs Acquired Abroad Which You Are Now Bringing Through Customs. (See additional instructions on reverse.)

All your baggage (including handbags and hand-carried parcels) may be examined. False Statements Made To A Customs Officer Are Punishable By Law. Consult "U. S. Customs Hints" and your inspector for full information.

STAMP NOS.

OFFICIAL USE ONLY

NO. PCS.
HAGGAGE
EXMD.
H.C. P.C. TO

TIME COMPLETED

DATE _____

BADGE NO.

CUSTOMS FORM 6059-B (8-23-74)

CUSTOMS USE ONLY

PRICE

DESCRIPTION OF ARTICLES

TOTAL PRICE

Attach Continuation Sheets If Necessary

State price **ACTUALLY PAID**. If not purchased, state fair price in country where obtained. You may combine articles costing less than \$5 each and list as **MISCELLANEOUS** up to a total of \$50. List separately all other items regardless of cost.

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GRUBER & TURKEL

ATTORNEYS AT LAW

218 BEDFORD STREET

STAMFORD, CONNECTICUT 06901

SAMUEL GRUBER
MILTON TURKEL

TELEPHONE
323-7789
323-7225

October 25, 1975

David A. Reed
Assistant U.S. Attorney
District of Vermont
Rutland, Vermont 05701

Re: U.S. v. San Juan
Criminal No. 75-46

Dear Mr. Reed:

I acknowledge receipt of the Information in the above matter filed on October 23, 1975. I assume that the Court will take appropriate action at the hearing on October 29, to dismiss the Indictment upon which the Government originally proceeded in this matter.

Further with respect to the hearing, I see no reason why, with the Court's approval, all the motions to be heard that day be deemed as though filed against the Information except the following:

1. The motion to dismiss the indictment for insufficiency. This is now of course unnecessary.
2. The motion for the return of \$5000 which I am now withdrawing .
3. The motion to suppress. I am herewith enclosing a copy of a new motion to suppress which makes reference to the regulations. I understand that the Customs agents will be present in Court on October 29. Jim Murdoch will be in touch with your office on Monday, October 27, to confirm this.

The Court may not agree with the procedure above outlined, but it seems to me that it will save both the Court's time and that of the parties without affecting substantive rights. I hope you agree.

Sincerely yours,

Samuel Gruber
Samuel Gruber

cc: James W. Murdoch
Clerk, U.S. District Court

OCT 28 1975

THE COURT. Sustained.

MR. GRUBER. No further questions.

THE COURT. We'll take our afternoon recess at this time.

(Court recessed from 3:05 - 3:30 p.m.)

THE COURT. Are you up to these letters at this point, Mr. O'Neill?

MR. O'NEILL. Yes, your Honor.

THE COURT. Ladies and gentlemen. The Government has offered in evidence, in this matter, among other items two letters; one is denoted for identification as Number "3" and the other is denoted for identification as Number "13," and I am going to admit these matters into evidence and will become exhibits.

(Government's Exhibits "3" and "13" were received in evidence.)

THE COURT. Now I do think it is proper at this time to remind you that in this matter Mrs. San Juan is charged with the offense of willfully failing to file a report with reference to the amount of money she was carrying, and concerning which you have heard evidence. These letters are not being admitted for the truth of anything which is contained therein, and they will be considered by you only in connection with the knowledge and intent of Mrs. San Juan with reference to filing the report in this

matter. You will recall this is when she came into the country that the Government claims the report should have been filed, and further, the Government claims that the offense occurred when she failed to report when she had this money in her possession at the time she was on the bus and she was first asked about it.

Now she is charged with no other offense whatsoever in this matter, and you are not to consider these letters in connection with any other offense. I know of no other offense, as a matter of fact. I want to make sure you understand some of this matter may be extraneous, or you may consider it extraneous and at the appropriate time there may be comments both by counsel for the Government and for the defendant concerning these letters. They will be read to you, as I understand it. Therefore, you should be cautioned as to the limited purpose they are being introduced.

Is there anything you would add to that, Mr. O'Neill?

MR. O'NEILL. No, your Honor. I think "4" and "12" were also admitted.

THE COURT. Government's "4" and "12," and Government's "3" and "13" are admitted with the understanding just expressed to the jury.

(Government's Exhibits "4" and "12" were received in evidence.)

she acted, or failed to act, with specific intent to disobey the reporting requirement, as charged.

At this time, I want to remind you that two letters denoted Government's Exhibits "3" and "13" have been admitted into evidence, but these are to be considered by you as bearing only upon the question of the defendant's knowledge or intent, and for no other purpose. They have not been admitted for the truth of the matters contained therein, nor solely by themselves do they permit any evidence of wrongdoing on the defendant's part. As stated, however, you may give them such weight which you feel they are entitled on the question of the defendant's knowledge or intent with reference to the offense with which she is charged in this matter.

Again, I want to suggest to you that while the law is for the Court, and you are to apply the law as given you in these instructions, the finding of the facts in this case is entirely for you. Whatever reference the Court has made to the evidence, or pleadings, is only for the purpose of making application of the principles of law to the issues in this case and without any purpose of indicating in the least degree how the Court may think that the case ought to be decided on the facts. That is for you, and you alone, to determine.

The exhibits which have been admitted into evidence during the trial are for your consideration in your

UNITED STATES DISTRICT COURT

DISTRICT OF VERMONT

UNITED STATES OF AMERICA

Appellee

v.


DELIA AGUILAR SAN JUAN

Appellant

Docket No. 76-1300

CERTIFICATE OF SERVICE

I, Jerome F. O'Neill, Assistant U.S. Attorney for the District of Vermont, do hereby certify that I caused the foregoing Government's BRIEF and APPENDIX to be served upon the Appellant by mailing 3 copies of the Brief and 2 copies of the Appendix upon her attorneys of record, Samuel Gruber, Esquire, GRUBER & TURKEL, 218 Bedford St., Stamford, CT. and James W. Murdoch, Esquire, WOOL & MURDOCH, 131 Main St., Burlington, VT. this 22nd day of September, 1976.


JEROME F. O'NEILL
Assistant U.S. Attorney